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January 13, 2016

**VIA EMAIL AND ECF**

The Honorable Judge Richard J. Sullivan  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
New York, New York 10007

**Re: *Jessica L. Wahl v. Sterling & Sterling Inc., et al.***  
**Civil Action No. 15-cv-06522 (RJS)**

Dear Judge Sullivan:

This firm represents two of the defendants in the above-referenced action – Sterling & Sterling Inc. and David Sterling, Sterling's Chief Executive Officer (together, the "Sterling Defendants"). We write in response to the letter from Martin Lee, counsel for plaintiff Jessica Wahl, dated January 13, 2016, requesting an indefinite adjournment of the initial conference, presently scheduled for Friday, January 15, 2016, until the conclusion of an as-yet-to-be-scheduled mediation. While the Sterling Defendants are certainly amenable to mediating this dispute, we believe that the initial conference should proceed as scheduled on January 15.

First, Plaintiff has publicly alleged serious claims of gender discrimination against the Sterling Defendants, claims which they are anxious to, and confident that they will, disprove. Thus, the initial conference is necessary for the Court to enter a Case Management Plan and Scheduling Order, which will govern discovery in this action and provide the Sterling Defendants with the ability to conduct the discovery they need to defend against Plaintiff's claims.

Second, as set forth in the Court's Order dated November 20, 2015 (ECF Doc. # 26), the conference scheduled for January 15, 2016 is not solely an initial conference, but "shall serve as both an initial conference and a pre-motion conference." One of the purposes of a pre-motion conference is for the Court to express its preliminary view of the issues so as to possibly narrow the issues or even eliminate the need for motion practice. While Plaintiff has advised the Court that she intends to file an amended complaint in an effort to cure her statute of limitations issue, the Sterling Defendants believe that the vast majority of the issues they raised in their pre-motion letter will continue to exist and provide grounds to dismiss the anticipated amended complaint. Thus, all



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of the parties will benefit from a pre-motion conference where the issues can be discussed and possibly narrowed.

For the foregoing reasons, the Sterling Defendants respectfully request that the initial conference and pre-motion conference proceed as scheduled on January 15, 2016.

Respectfully,

Alexander D. Widell

cc: Martin R. Lee, Esq. (by email and ECF)  
Mercedes Colwin, Esq. (by email and ECF)